

STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

WEDNESDAY, April 19, 2006

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Thursday, April 13, 2006.

Read first time and referred:

Senate Bill 689

Relating to: the installation of carbon monoxide detectors in certain buildings, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a penalty.

By Senators Wirch, Coggs and Erpenbach; cosponsored by Representatives Young, Fields, Hahn, Berceau, Ott, Sheridan, Albers and Hebl.

To committee on **Housing and Financial Institutions**.

Senate Bill 690

Relating to: sale of Olympic Ice Training Center and making an appropriation.

By Senator Plale; cosponsored by Representatives Gunderson and Staskunas.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

Senate Bill 691

Relating to: termination of mobile telephone contracts by members of the military.

By Senators Brown, Decker, Carpenter and Taylor; cosponsored by Representatives Gundrum, Musser, Seidel, Suder, Boyle, Nass, Van Akkeren, Petrowski, Kestell, Lehman, Hundertmark, Ott, Pettis, Jeskewitz, M. Williams and McCormick.

To committee on **Judiciary, Corrections and Privacy**.

The Chief Clerk records:

Senate Bill 68
Senate Bill 157
Senate Bill 161
Senate Bill 181
Senate Bill 312
Senate Bill 329
Senate Bill 352
Senate Bill 375
Senate Bill 420
Senate Bill 447
Senate Bill 467

Senate Bill 481
Senate Bill 501
Senate Bill 515
Senate Bill 578
Senate Bill 579
Senate Bill 591
Senate Bill 592
Senate Bill 596
Senate Bill 617

Presented to the Governor on April 13, 2006.

The Chief Clerk makes the following entries dated Friday, April 14, 2006.

The committee on **Housing and Financial Institutions** reports and recommends:

Assembly Bill 538

Relating to: setoffs against tax refunds for debts related to property taxes.

Concurrence.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 0 – None.

Assembly Bill 96

Relating to: the payment of property taxes when property is condemned.

Concurrence.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 0 – None.

Senate Bill 661

Relating to: the establishment of a college savings program bank deposit trust fund and a college savings program credit union deposit trust fund and making appropriations.

Passage.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 0 – None.

Senate Bill 677

Relating to: the failure to publish certain notices relating to the creation, or attempted creation, of a tax incremental financing district in the village of Kimberly.

Passage.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 0 – None.

Senate Bill 681

Relating to: changes to the impact fee law and imposing certain requirements on other fees imposed by political subdivisions.

Passage.

Ayes, 4 – Senators Stepp, Harsdorf, Brown and Plale.

Noes, 2 – Senators Lassa and Coggs.

Senate Bill 685

Relating to: use of the proceeds from the sale of real property located in the city of Milwaukee and used for school purposes.

Adoption of Senate Amendment 1.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 0 – None.

CATHY STEPP
Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Assembly Bill 887

Relating to: electing not to provide an address in a petition in a family action in a case in which abuse is alleged.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

DAVID ZIEN
Chairperson

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 158	Act 291	April 20, 2006
Senate Bill 477	Act 292	April 20, 2006
Senate Bill 429	Act 297	April 20, 2006
Senate Bill 404	Act 298	April 20, 2006
Senate Bill 536	Act 300	April 20, 2006
Senate Bill 547	Act 301	April 20, 2006
Senate Bill 350	Act 303	April 20, 2006
Senate Bill 369	Act 304	April 20, 2006
Senate Bill 380	Act 314	April 20, 2006
Senate Bill 457	Act 315	April 20, 2006
Senate Bill 527	Act 316	April 20, 2006
Senate Bill 95	Act 318	April 20, 2006

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Governor**

April 14, 2006

The Honorable, The Senate:

I am vetoing Senate Bill 420. The bill changes the definition of a group health benefit plan in such a way that it will harm consumers. Under current law, a group health benefit plan is a group plan that is sold to two or more employees of an employer, or an individual policy sold to three or more employees of an employer. In both cases, numerous consumer protections apply. This bill changes the definition of a group health benefit plan by increasing, from three to nine, the number of individual health benefit plans that constitutes a group health benefit plan. This bill also changes the definition of “small employer insurer” so that an insurer that sells nine or more individual health benefit plans (rather than three or more as under current law) to a small employer is a small employer insurer.

By raising the threshold for group coverage under the individual market regulations until at least 9 employees sign up for coverage, the bill reduces consumer protections for employees of small employers. The bill also increases costs and limits insurance options for older and less healthy employees. The bill acknowledges this likely loss in coverage by requiring the Office of Commissioner of Insurance to measure the impact the bill has on increasing the number of Health Insurance Risk Sharing Plan (HIRSP) applicants and Medical Assistance recipients, who apply because they work for small employers who dropped coverage in favor of individual list billing.

Under this bill, many employees could be removed from small employer health insurance protections if employers decide to cease group coverage and facilitate the purchase of individual policies through employee payroll deductions. Consequently, these employees would no longer be covered by the protections currently available to small insurance plan participants. These protections include:

- Continuation and conversion rights, which permit persons who leave the group to acquire group health insurance for up to 18 months. While the individual may be asked to pay the premiums for a continuation policy, coverage under these policies is generally less expensive and offer better benefits than individual coverage. Once the conversion period is ended, the individual must then be offered a conversion policy, which is individual coverage.
- Portability, which permits an individual with prior group coverage to move to their next group, or in some cases, to the state high-risk pool without serving a new pre-existing condition waiting period. Persons who do not exercise their portability rights within 63 days of losing group coverage lose this right.
- Guarantee issue for small group coverage, meaning that the insurer must accept all members of a group without excluding pre-existing health conditions. In the individual market, each policy is underwritten and insurers are permitted to both refuse coverage to those individuals who do not meet the insurer's underwriting standards and exclude coverage for pre-existing health conditions.
- Mandated benefits required for group plans. For example, required group plans benefits including for mental health and AODA treatment are not required benefits under individual policies.
- Limits on the rates that can be charged to employers with small group health insurance policies that do not apply in the individual market.

When employees are removed from group coverage they would then be forced to look at individual plans, including the state HIRSP program, for their insurance needs.

Individual plans are often less affordable than group coverage and many may be unable to afford these individual plans. The likely result would be an increase in the number of uninsured individuals in the state.

While the bill was advertised as a way to decrease costs and improve access, it probably would have the opposite effect and result in higher costs and fewer insured individuals and families. Because I want to ensure that access to coverage is as broad as possible and that the consumer protections of small group insurance laws are available to as many people as possible, I am vetoing this bill.

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 14, 2006

The Honorable, The Senate:

I am vetoing **SB 447**. This bill substantially heightens the standard for when punitive damages may be awarded. Specifically, the bill provides that punitive damages may only be awarded when a defendant either acted with the “intent to cause injury to a particular person or persons” or where the defendant knew that his or her conduct “was practically certain to result in injury to one or more persons.”

Punitive damages should be rarely granted; however, this bill would make it virtually impossible to ever obtain such damages. Appropriately applied, punitive damages can lead to important safety changes. From asbestos products to highly flammable children’s pajamas, punitive damages have protected the public by prompting unsafe products to be taken off the market. Manufacturers of these products were often aware of the hazard, but failed to disclose it to the public. Under this bill, many of these reasonable punitive damages awards would have been unavailable, putting Wisconsin citizens at risk.

Moreover, current law already provides a check to excessive punitive damage awards. If a jury returns a damage amount that is unreasonable, a defendant may challenge the validity of the amount and a judge may reduce it appropriately. In fact, the vast majority of punitive damage awards are not the \$100 million payout heard about in the news. The U.S. Department of Justice Bureau of Justice Statistics recently found that the median punitive damage award to plaintiffs determined by a jury was \$50,000, while the median award determined by a bench trial was \$46,000.

It is important to balance the rights of citizens against the protections for businesses. However, this bill goes too far to protect businesses at the expense of the citizens of Wisconsin. Their rights also need to be protected, and that is why I am vetoing this bill.

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 14, 2006

The Honorable, The Senate:

I am vetoing **Senate Bill 501**, relating to reimbursement of certain attorney’s fees and other litigation costs.

I am vetoing SB 501 because it removes the discretion of judges when dealing with frivolous claims and adds confusion to the existing rules. Current law already authorizes courts to impose sanctions, including the award of expenses and attorney fees, against litigants who bring frivolous lawsuits. The existing rules, passed just last year, are the product of a two-year long, Wisconsin Supreme Court rule-making process and are structured to provide Wisconsin courts with a variety of tools to best deal with and deter frivolous filings. These rules are supported by those representing both sides of the table – both plaintiff and business interests – and I believe they give judges what is necessary to punish and help reduce the filing of frivolous lawsuits in Wisconsin.

I agree that frivolous lawsuits are a concern, but we shouldn’t be passing laws that strip elected judges of the tools that both the plaintiff and defense bar agree judges need, and force their hand to treat every frivolous claim exactly the same. SB 501 would do just that, and I cannot sign it into law.

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 14, 2006

The Honorable, The Senate:

I am vetoing **Senate Bill 617** which seriously inhibits the ability of the Office of the Commissioner of Insurance (OCI) to regulate preferred provider plans (PPP).

OCI has been working with the industry to negotiate a number of regulations that would protect consumers with respect to access to providers, cost-sharing and consumer notification. These administrative rule changes were nearly all approved by the Joint Committee on Administrative Rules, and OCI staff are working on compromises on the remaining few issues. This bill negates all of this effort and allows PPPs to severely limit access to providers, increase charges to consumers without notification to them, and drastically limit services provided by out-of-network providers, again without notification to consumers.

Sincerely,

JIM DOYLE
Governor

The Chief Clerk makes the following entries dated Monday,
April 17, 2006.

Read first time and referred:

Senate Bill 692

Relating to: crime victim and witness assistance surcharges imposed on persons committing civil offenses and making an appropriation.

By Senator Risser; cosponsored by Representative Seidel,
by request of Attorney General Peggy A. Lautenschlager.

To committee on **Judiciary, Corrections and Privacy**.

**State of Wisconsin
Office of the Governor**

April 17, 2006

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 161	Act 325	April 14, 2006
Senate Bill 329	Act 326	April 14, 2006
Senate Bill 596	Act 328	April 14, 2006
Senate Bill 592	Act 332	April 14, 2006
Senate Bill 591	Act 334	April 14, 2006
Senate Bill 352	Act 335	April 14, 2006
Senate Bill 375	Act 336	April 14, 2006

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 414	Act 320	April 25, 2006
Senate Bill 386	Act 322	April 25, 2006
Senate Bill 453	Act 323	April 25, 2006

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Governor**

April 13, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ABELE, CHRIS, of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin to serve for the term ending May 1, 2012.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism**.

**State of Wisconsin
Office of the Governor**

April 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHIELDS, THOMAS, of Oshkosh, as a member of the Board of Regents of the University of Wisconsin System to serve for the term ending May 1, 2008.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism**.

The committee on **Natural Resources and Transportation** reports and recommends:

Senate Clearinghouse Rule 03–118

Relating to changes to chs. NR 405 and 408 for.
No action taken.

Senate Clearinghouse Rule 05–100

Relating to lake monitoring contracts and the citizen lake monitoring network.

No action taken.

Senate Clearinghouse Rule 05–102

Relating to small game and expanded spring turkey hunting in state parks.

No action taken.

Senate Clearinghouse Rule 06–019

Relating to changes to chapter NR 406 and 410 for providing the linkage of the state air permitting programs with federal changes to the air permitting program and affecting small business.

No action taken.

NEAL KEDZIE
Chairperson

The Chief Clerk makes the following entries dated Tuesday, April 18, 2006.

Read first time and referred:

Senate Bill 693

Relating to: designating and marking a bridge across the Wisconsin River in the city of Tomahawk as Veterans Memorial Bridge.

By Senators Breske and Decker; cosponsored by Representatives Friske, Ainsworth, Davis, Jeskewitz, Lehman, Montgomery, Musser, Ott, Petrowski, Seidel, Van Roy and M. Williams.

To committee on **Natural Resources and Transportation**.

Senate Bill 694

Relating to: transactions and unconscionable practices subject to, and remedies under, the Wisconsin Consumer Act.

By Senators Coggs, Miller and Risser; cosponsored by Representatives Young, Grigsby, Sinicki, Kessler, Fields, Pocan, Lehman and Berceau, by request of Attorney General Peggy A. Lautenschlager.

To committee on **Judiciary, Corrections and Privacy**.

Senate Bill 695

Relating to: increasing the size of the city of Milwaukee Board of Fire and Police Commissioners.

By Senators Taylor and Grothman; cosponsored by Representatives Grigsby and Fields.

To committee on **Judiciary, Corrections and Privacy**.

The committee on **Agriculture and Insurance** reports and recommends:

Assembly Bill 1003

Relating to: eligibility for the farm assets reinvestment management loan guarantee program administered by the Wisconsin Housing and Economic Development Authority.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

Assembly Bill 136

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

BYERLY, FRAN, of Barron, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2010.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

ENGELBRECHT, LEE, of Two Rivers, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

GASKA, JEROME, of Columbus, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

HOLTE, JAMES, of Elk Mound, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2010.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

JOHNSON, ANDREW, of Wausau, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

SELK, ROBERT, of Madison, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

TOPEL, ROBERT, of Waterloo, as a member of the Livestock Facility Siting Review Board, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

DAN KAPANKE
Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Assembly Bill 1033

Relating to: authority for an off-duty peace officer to act outside his or her territorial jurisdiction.

Concurrence.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.

Noes, 1 – Senator Risser.

Assembly Bill 290

Relating to: prohibiting the required implanting of a microchip in an individual and providing a penalty.

Concurrence.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Assembly Bill 639

Relating to: an exemption for certain tribal officials under the lobbying law.

Concurrence.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Assembly Bill 966

Relating to: vehicle owner liability for violations arising from the failure to stop at the scene of an accident and providing a penalty.

Concurrence.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Senate Bill 641

Relating to: authority for an off-duty peace officer to act outside his or her territorial jurisdiction.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Zien, Roessler, Taylor and Risser.

Noes, 1 – Senator Grothman.

Passage as amended.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.

Noes, 1 – Senator Risser.

DAVID ZIEN
Chairperson

State of Wisconsin Department of Administration

April 14, 2006

The Honorable, The Legislature:

As required by s. 14.065, and on behalf of the Governor, I am transmitting a recommended Stripper XXI Oil Overcharge Plan, and requesting the Joint Committee on Finance consider this plan at their next s. 13.10, Wis. Stats., meeting.

This plan allocates \$862,299.80 of oil overcharge monies (\$152,899.22 of new Stripper monies plus all accrued and future accruing interest, \$40,099 of direct state restitution monies, \$434,679.24 reprogrammed Exxon monies). The plan is designed to reduce the State's dependence on petroleum based motor fuels and increase the use of renewable energy.

I appreciate your support in helping Wisconsin increase its energy efficiency and increase its use of renewable energies. If you have any questions or need additional details regarding the proposed program modification, please contact Kimberly R. Walker, Administrator for the Division of Energy, at 261-6357.

Sincerely,

STEPHEN E. BABLITCH
Secretary

Referred to committee on **Energy, Utilities, and Information Technology**.

Pursuant to Senate Rule 17 (5), Senator Brown added as a coauthor of **Senate Bill 668**.

Senate Clearinghouse Rule 05-049

Relating to stop work, stop use and petition for variance procedures and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, April 17, 2006.

Referred to committee on **Housing and Financial Institutions**, April 18, 2006.

The joint committee for **Review of Administrative Rules** reports and recommends:

Senate Clearinghouse Rule 04-095

Relating to the requirements for administering the office facilities and equipment for safe and effective administration and the applicable standards of care, and to provide for reporting of adverse occurrences related to anesthesia administration.

Report objection recommended, Ayes 5, Noes 4.

Ayes, 5 – Senators Grothman and Stepp. Representatives Gottlieb, LeMahieu and Friske., Towns, Schneider, Black
Noes, 4 – Senators Jauch and Miller. Representatives Schneider and Black.

GLENN GROTHMAN
Senate Chairperson

REPORT OF COMMITTEES

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

Assembly Bill 33

Relating to: an exception to confidentiality requirements for treatment records.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

WOOD, DARYL, of La Crosse, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

CAROL ROESSLER
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 19, 2006

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 579	Act 351	April 18, 2006
Senate Bill 181	Act 353	April 19, 2006
Senate Bill 157	Act 354	April 19, 2006
Senate Bill 312	Act 355	April 19, 2006
Senate Bill 515	Act 358	April 19, 2006

Senate Bill 467 **Act 360**

April 19, 2006

Sincerely,
JIM DOYLE
Governor

State of Wisconsin
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 161	Act 325	April 28, 2006
Senate Bill 329	Act 326	April 28, 2006
Senate Bill 596	Act 328	April 28, 2006
Senate Bill 592	Act 332	April 28, 2006
Senate Bill 591	Act 334	April 28, 2006
Senate Bill 352	Act 335	April 28, 2006
Senate Bill 375	Act 336	April 28, 2006

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin
Office of the Governor

April 18, 2006

The Honorable, The Senate:

I am vetoing **Senate Bill 68**. This bill permits schools to choose not to comply with the requirement to reduce class sizes in grades two or three or both and to forego aid under the SAGE program for students in those classes. This provision would apply to just those districts in which no more than 50 percent of the student enrollment is comprised of pupils who are eligible for free or reduced-price lunch. If a school were to choose to not reduce class size and forego aid for students in grades two or three or both, that school would still be eligible for the current law payment under the SAGE program for students in grades in which it continued to reduce class size.

The bill also creates a new, sum sufficient special education aid supplemental appropriation. The appropriation amount would be equal to the amounts lapsed to the general fund in the previous fiscal year from the SAGE appropriation. The funds would be used for the payment of aids for special education and school age parent programs, to be distributed in the same manner as under current law. In effect, funds appropriated for the SAGE program that go unexpended as a result of districts opting out of the class reduction requirements of the SAGE program for grades two, three, or both, would be used for special education and school age parent programs.

As Governor, I have been forced to use my veto pen on more than one occasion to defend the SAGE small class size program against attacks by the Legislature, and I will do so again today. This bill lets schools take small class size funding without actually reducing class sizes. That makes no sense. Every parent and every teacher knows that one of the best things you can do for a child's education is to put them in a classroom with fewer students. Moreover, research shows that the positive outcomes associated with reduced class sizes are sustained only if class sizes remain reduced over consecutive years, in kindergarten through third grade. This bill is a cynical attack on the SAGE program that would result in more students being packed into larger classes in the early grades – a critical stage in their education.

Sincerely,
JIM DOYLE
Governor

State of Wisconsin
Office of the Governor

April 18, 2006

The Honorable, The Senate:

I am vetoing **Senate Bill 578**. This bill would exempt from discovery records related to quality improvement activities by

health care providers in civil actions and administrative proceedings and would provide immunity for acts and omissions to persons participating in quality improvement activities.

I am vetoing this bill because it is unnecessarily broad in defining what activities constitute a quality improvement activity and what records would be kept confidential. Patient advocates have raised concerns about adequate access to records needed to redress suspected wrongdoing. These concerns have not been fully resolved. Although I fully support efforts to improve health care quality and to promote the use of legitimate quality improvement activities, this bill goes too far in allowing providers to define and shield information and claim immunity in the name of quality improvement.

Current law provides that most records pertaining to peer review activities are shielded except when the release is explicitly authorized. Current law also provides immunity from civil actions to persons acting in good faith and participating in a peer review activity. The effect of this veto is to maintain the current definition and protection of peer review records and immunity for peer review activities contained in current law.

Efforts to reform peer review or quality improvement activities must balance provider protections with patients' and the public's right to information. This bill fails to strike the proper balance.

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Department of Administration**

April 11, 2006

The Honorable, The Legislature:

In accordance with s. 16.75(3m)(c)4, Wis. Stats., enclosed is the State of Wisconsin Minority Business Report for Fiscal Year 2005. The report provides information on state agency and University of Wisconsin purchasing with minority business enterprises certified by the Wisconsin Department of Commerce. Highlights include the following:

- State agencies and the University of Wisconsin System made FY05 purchases with Wisconsin certified minority-owned businesses totaling \$46,066,169, a 6.1% increase over FY04.
- For the eighteenth year in a row, the DOA Division of State Facilities architectural/engineering selection process exceeded the 5% MBE goal.
- The DOA Capital Finance Office achieved a minority-owned business participation rate of 8.7% on its sale of bonds and notes.
- The DOA Capital Finance Office and DNR expended 14.17% of Environment Improvement Funds through minority-owned firms.
- The Wisconsin Housing and Economic Development Authority expended 23.40% of its discretionary spending with minority-owned businesses.

State government appreciates its partnership with minority-owned businesses. We look forward to increasing purchasing with minority-owned firms in the months and years ahead.

Sincerely,
STEPHEN E. BABLITCH
Secretary

Referred to committee on **Labor and Election Process Reform**.

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

April 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARTELL, JEFFREY, of Middleton, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2013.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism**.

**State of Wisconsin
Office of the Governor**

April 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMITH, BRENT, of La Crosse, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2013.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism**.

**State of Wisconsin
Office of the Governor**

April 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WOLLMAN, ROBERTA, of Jackson, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2007.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Job Creation, Economic Development and Consumer Affairs**.

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 06-015

Relating to the 2006 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 19, 2006.

Referred to committee on **Labor and Election Process Reform**, April 19, 2006.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 640** offered by Senator Lazich.

Senate amendment 1 to **Senate Bill 691** offered by Senator Brown.